

UNITED STATES DISTRICT COURT
for the
District of Minnesota

Jessie DeVriendt,

Plaintiff,

v.

Case No. 0:23-cv-03701-PAM-JFD

Costco Distribution Center, et al.,

Defendant.

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Costco Distribution Center

(Name of the defendant or – if the defendant is a corporation, partnership, or association – an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this district under the number shown above. A copy of the complaint is attached.

This is not a summons. It is a request that, to avoid the expenses incurred through service of process, you waive formal service of a summons by signing and returning the enclosed waiver. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope. You must return one copy of the signed waiver form within **30** days from the date shown below, which is the date this notice was sent. You may keep the other copy.

What happens next?

If you return the signed waiver, it will be filed with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you, and you will have 60 days from the date this notice is sent to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, the summons and complaint will be served on you personally by the United States Marshals Service. Further, the court will require you, or the entity you represent, to pay the expenses of the United States Marshals Service in making service should you fail, without good cause, to return the enclosed form within 30 days and waive service of process. Please read the enclosed statement about the duty to avoid unnecessary expenses.

Date of Issuance: January 30, 2024

Kate Fogarty, Clerk of Court
United States District Court for the District of
Minnesota

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WAIVER OF THE SERVICE OF SUMMONS

To: Jessie DeVriendt

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from January 30, 2024, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

Printed name of party waiving service of summons

Printed Name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.